

Exhibit A

FILED
03-18-2020
Clerk of Circuit Court
Polk County, Wisconsin
2020CV000098
Honorable Jeffery L.
Anderson
Branch 2

STATE OF WISCONSIN : CIRCUIT COURT : POLK COUNTY

HAROLD JOHN LEVENDOSKI
545 COUNTY LINE AVENUE
CLEAR LAKE, WI 54005

AND

THOMAS HAROLD LEVENDOSKI
966 3RD STREET SW
CLEAR LAKE, WI 54005

Plaintiffs,

v.

Case No. 20 CV _____

ASSOCIATED MILK PRODUCERS, INC.
REGISTERED AGENT:
C T CORPORATION SYSTEM
301 S. BEDFORD STREET, SUITE 1
MADISON, WI 53703

Case Code: 30201
Case Type: Property Damage

AND

EUROFINS DQCI, LLC
REGISTERED AGENT:
COGENCY GLOBAL INC.
901 S. WHITNEY WAY
MADISON, WI 53703

Defendants.

SUMMONS

THE STATE OF WISCONSIN, TO EACH DEFENDANT NAMED ABOVE:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The attached Complaint states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is:

Clerk of Court
Polk County Justice Center
1005 West Main Street, Suite 300
Balsam Lake, WI 54810

and to Plaintiffs' attorneys, whose address is:

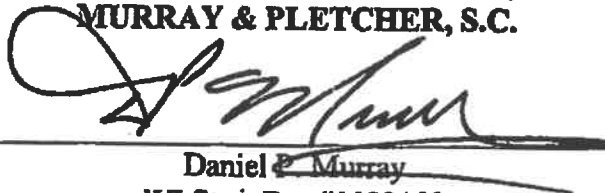
Daniel P. Murray
RODLI, BESKAR, NEUHAUS, MURRAY & PLETCHER, S.C.
219 North Main Street
PO Box 138
River Falls, WI 54022

You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law.

Dated this 18th day of March, 2020.

**RODLI, BESKAR, NEUHAUS,
MURRAY & PLETCHER, S.C.**



Daniel P. Murray
WI State Bar #1022103
Attorneys for Plaintiffs
219 North Main Street
P.O. Box 138
River Falls, WI 54022
715-425-7281

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COMPLAINT

The plaintiffs allege as follows:

1. Plaintiff Harold John Levendoski resides at 545 County Line Avenue, Clear Lake WI, and Plaintiff Thomas Harold Levendoski resides at 966 3rd Street SW, Clear Lake WI.
2. At all times material here, Harold Levendoski and Thomas Levendoski have owned and operated a dairy operation, commonly known as the Levendoski Dairy, located in Polk County at 90 55th Street, Clear Lake, WI.
3. Defendant Associated Milk Producers, Inc. (AMPI), is authorized to do business in the State of Wisconsin and registered in the State of Wisconsin as a Foreign Business Corporation with a Registered Agent Office of C T Corporation System, 301 S. Bedford Street, Suite 1, Madison WI 53703. Defendant Associated Milk Producers Inc., is a dairy marketing cooperative which makes dairy products and purchases milk from dairy producers in the State of Wisconsin, including from the Levendoski Dairy.
4. Defendant Eurofins DQCI, LLC (DQCI), is authorized to do business in the State of Wisconsin and registered in the State of Wisconsin as a Foreign LLC with a Registered Agent Office of Cogency Global Inc., 901 S. Whitney Way, Madison, WI 53703. Defendant Eurofins DQCI, LLC, provides services to the dairy industry including testing services for manufacturers of dairy and dairy related products and for milk producers.
5. That during the period of time that the Levendoski Dairy sold milk to AMPI, AMPI reported certain Bulk Tank Culture Test Results to the Levendoski Dairy which the Levendoski Dairy relied upon in it's operation and management of the herd. That upon information and

belief, Defendant Eurofins DQCI, LLC, may have provided testing services for AMPI for some or all of the tests at issue in this case.

6. That on March 21, 2014, the Levendoski Dairy received objective information confirming that their dairy had a major Mycoplasma problem on their farm, despite the fact that they had been receiving Bulk Tank Culture Results from AMPI indicating Mycoplasma "Neg" (negative).

COUNT I - NEGLIGENCE

7. Defendant AMPI had a duty to the Levendoski Dairy, including but not limited to a duty to accurately collect, test, and report accurate Bulk Tank Culture Results. The Levendoski Dairy in its operation and management of the Dairy relied upon receiving accurate Bulk Tank Culture Results from AMPI. The test results that AMPI reported to the Levendoski Dairy indicated that no widespread Mycoplasma problem existed within the herd which was discovered to be inaccurate. Defendant AMPI breached their duty, which caused economic harm to the dairy operation. Resulting damages included, but were not limited to, reduced milk production, excessive cow culling and cow death, reduced value of the herd, and additional costs incurred for purchasing replacement animals.

8. Additionally, AMPI had exclusive right to control the bulk tank milk samples taken from the Levendoski Dairy and the erroneous reporting of the Bulk Tank Culture Results would not have occurred had AMPI and/or its' agents exercised ordinary care.

9. AMPI was also negligent in failing to warn the Levendoski Dairy that the Bulk Tank Culture Results may not be accurate and that the dairy farmer should not rely upon AMPI's testing reports, including the level of Mycoplasma disease in the herd. Said negligence also caused damage to the Levendoski Dairy as described above.

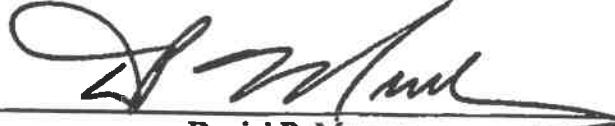
10. Defendant DQCI had a duty to the Levendoski Dairy, including but not limited to a duty to accurately test and report accurate Bulk Tank Culture Results. The Levendoski Dairy in its operation and management of the Dairy relied upon receiving accurate Bulk Tank Culture Results from AMPI, of which the actual testing of the milk sample is believed to have been done by DQCI for some or all of the reported results. The test results that AMPI reported to the Levendoski Dairy indicated that no widespread Mycoplasma problem existed within the herd which was discovered to be inaccurate. To the extent that the inaccurate reporting was due to the negligence of DQCI, Defendant DQCI also breached their duty to the Levendoski Dairy, which caused economic harm to the Levendoski dairy operation. Resulting damages included, but were not limited to, reduced milk production, excessive cow culling and cow death, reduced value of the herd, and additional costs incurred for purchasing replacement animals.

WHEREFORE, Plaintiffs demand judgment as follows:

- A. For economic damages to which they are entitled;
- B. For all costs, disbursements, and any other relief deemed appropriate by the court.

Dated this 18th day of March, 2020.

**RODLI, BESKAR, NEUHAUS,
MURRAY & PLETCHER, S.C.**

A handwritten signature in black ink, appearing to read 'D. Murray', written over a horizontal line.

Daniel P. Murray
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